

REMARKS

By this Amendment, Applicants have amended claims 1, 14, 19, and 21 and added new claim 22 to point out aspects of the invention, taking care not to add any new matter. Claims 1-4, 6-14, and 16-22 are currently pending.

In the Office Action, the Examiner rejected claims 1-4, 6-14, and 16-21 under 35 U.S.C. § 103(a) as being obvious over Eppler, U.S. Patent No. 6,084,989, in view of Schipper, U.S. Patent No. 5,815,118. Applicants respectfully traverse the rejections because the Examiner has failed to state a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. M.P.E.P. § 2143.03 (8th ed. 2001, Revised February 2003). The Examiner has not shown that Eppler and Schipper, taken alone or together, teach every element of claims 1-4, 6-14, and 16-21. Therefore, Applicants request the withdrawal of the section 103 rejections of these claims.

For example, claim 1 recites a method including creating a mathematical georeferencing function for assigning appropriate geographic coordinates to any one of a plurality of pixel locations. Regarding this claim element, the Examiner merely stated that “[w]hen assigning points on the two similar maps, it is very obvious that the coordinates and parameters are [sic] must have the same values.” In fact, the Examiner seems to use this single statement to address three separate elements of claim 1, including creating a mathematical georeferencing function for assigning appropriate geographic coordinates to any one of a plurality of pixel locations. (2/4/04

Office Action, p. 3.) Clearly, the Examiner's statement has nothing to do with a teaching in the reference of creating a mathematical georeferencing function for assigning appropriate geographic coordinates to any one of a plurality of pixel locations.

Generally addressing claim 1, the Examiner stated that Eppler discloses a "method that automatically determines line and pixel coordinates (longitude coordinate and a latitude coordinate) of landmarks in the digitized image (also can be scanned map image) with sub pixel accuracy (the first map being a digital raster map, and the second map being a previously georeferenced map)." (Office Action, p. 2). Even if, contrary to the language of the Office Action, the Examiner meant to link this statement to the step of creating a mathematical georeferencing function for assigning appropriate geographic coordinates to any one of a plurality of pixel locations, Eppler teaches no such thing.

Instead, Eppler teaches a system for determining errors in a satellite image using stored data about known landmarks. (Eppler, Abstract.) The system of Eppler generates absolute coordinates of boundary pixels of a landmark in a digital image and determines row/column offset errors between an actual position of the landmark and its position in the image. (Id., col. 2, ll. 15-28.) Neither the absolute coordinates nor the offset error of the reference teaches a georeferencing function for assigning geographic coordinates to any one of the plurality of pixel locations. The generated absolute coordinates are specific to the landmark and are unrelated to a georeferencing function for assigning geographic coordinates to *any one of the plurality of pixel locations*. Furthermore, the offset error indicates "the offset between the actual position of the landmark and the desired position of the landmark in the image" (Id., col. 2, ll. 33-35),

not a georeferencing function for assigning geographic coordinates to any one of the plurality of pixel locations.

For at least the foregoing reasons, Eppler does not teach or suggest the step of creating a mathematical georeferencing function for assigning appropriate geographic coordinates to any one of a plurality of pixel locations. Further, the Examiner made no allegation in the Office Action that Schipper corrected this deficiency. Instead, the Examiner merely stated that “Schipper in the abstract teaches first and second maps.” (2/4/04 Office Action, p. 4.) Therefore, the Examiner has failed to show a teaching or suggestion in the references of every element of claim 1 and Applicants request the withdrawal of the section 103 rejections of claim 1 and the claims that depend therefrom (i.e., claims 2-4 and 6-13).

Furthermore, claim 1, as amended, recites the additional step of revising the mathematical georeferencing function when a new point pair is received. As discussed above, Eppler does not teach (and the Examiner has not alleged any teaching of) a mathematical georeferencing function for assigning geographic coordinates to any one of the plurality of pixel locations. Also, the Examiner has not alleged any such teaching in Schipper. Therefore, the references cannot show any teaching of revising a mathematical georeferencing function. For this additional reason, Applicants submit that claim 1 and its dependent claims 2-4 and 6-13 are allowable over the cited references.

Independent claims 14 and 19 contain similar recitations to claim 1 and were rejected on the same grounds. Therefore, Applicants request the reconsideration and

withdrawal of the section 103 rejections of claims 14 and 19 (and the claims that depend therefrom) for at least the reasons given above with respect to claim 1.

The Examiner has also failed to show a teaching of every element in the dependent claims. For example, claim 11 recites a method including rejecting one point pair when an error associated with the one point pair deviates a pre-determined amount from a standard error computed using the other point pairs. The Examiner alleged that “Eppler discloses in Fig. 4, box 50 image matching algorithms to determine standard error.” However, the Examiner has not alleged any teaching of *rejecting a point pair* based on an error, as recited in claim 11. Furthermore, the offset error in Eppler indicates the offset between an actual position of a landmark and the position of the landmark in an image. (Eppler, col. 2, ll. 15-28.) This is unrelated to an error associated with a point pair that deviates from a standard error computed *using other point pairs*. Further, the Examiner made no allegation that Schipper corrects this deficiency. For this additional reason, the obviousness rejection of claim 11 should be reconsidered and withdrawn.

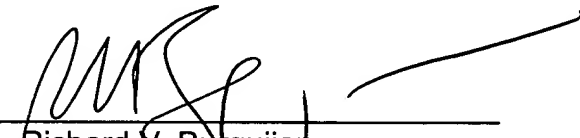
New claim 22 depends indirectly from claim 19 and therefore includes the recitations of claim 19. Accordingly, Applicants submit that claim 22 is allowable at least for the reasons set forth above regarding claim 19.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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